

### **REMARKS**

Initially, Applicant notes that the remarks and amendments made by this paper are consistent with the proposals presented during the telephone call of June 15, 2007.

By this paper, claim 1 and 11 have been amended and no claims have been cancelled or added such that claims 1-13 remain pending, of which claim 1 is the only independent claim at issue.<sup>1</sup>

The Office Action mailed April 19, 2007 considered and rejected claims 1-13 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement for containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention, and as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-6 and 8-12 were also rejected under 35 U.S.C. §103(a) as being unpatentable over *Wetzer et al.* (US 2004/0162811) hereinafter *Wetzer* in view of *Kocur* (US 5,913,201) hereinafter *Kocur* and claims 7 and 13 were further rejected under 35 U.S.C. §103(a) as being unpatentable over *Wetzer* in view of *Kocur* as applied to claim 1 above, and further in view of *Crici et al.* (US 2005/0027580) hereinafter *Crici*.<sup>2</sup>

First, with regard to the 35 U.S.C. §112, first paragraph rejection, Applicant respectfully disagrees. On page 13 of the specification as originally filed, it states, "association of a proposal with a scheduled appointment and customer causes certain of the resource-task-times previously used to create the other proposals to be unavailable. Thus, each time an appointment is made, it is likely that a plurality of proposals will be eliminated from the available set that was originally created." Clearly, such proposals are eliminated from future consideration because the necessary resources are consumed by the present appointment and the proposals are no longer feasible. The proposals are being eliminated with regard to a future appointment, not the appointment that is current being scheduled.

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<sup>1</sup> Support for the amendment is found throughout the specification including, but not limited to, the disclosure of page 13 of the application as originally written.

<sup>2</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

Turning now to the rejection under 35 U.S.C. §112, second paragraph, it will be noted that independent claims 1 and 11 have been amended to obviate the rejection. Specifically, the use of the term "substantially" has been removed from claim 11. Additionally, claim 1 has been amended to remove the reference of recalculating job times and replace it with revising of proposals. The amended claim further clarifies that proposals are eliminated as a result of the resources no longer being available.

As recited in the claims, the present invention is generally directed to embodiments for automatically scheduling appointments for a job based upon attributes of the job, resource availability, and the flow and order of time frames for each service required to do the job. Claim 1, for example, recites a method for scheduling appointments to do a job. In the recited method, operator input is received specifying each service and a time dependency of each service needed to perform the job. Operator input specifying a time availability of each resource that can be used to perform each service needed to perform the job is received as well. Before the appointment to do a job is actually scheduled, a plurality of proposals is created that specify when the job might be scheduled during a defined time period, as a function of each service specified by an operator, and the time dependency of each service specified by an operator, the plurality of proposals being created as a function of the time availability of each resource that can be used to perform each service needed to perform the job specified by an operator, each proposal indicating a time instance at which the job can be initiated during the defined time period. Input is then received specifying a desired time for starting the appointment to do a job. Based on the input, one of the plurality of proposals that was created is automatically selected to make an appointment for doing the job. The corresponding resources required for the selected proposal are then associated with the appointment and the resources are identified as being unavailable. The plurality of proposals is automatically revised in response to said one of the plurality of proposals being selected, including revising proposals for which resources are no longer available due to making the appointment for doing the job and eliminating any proposals from among the plurality of proposals for which proposals cannot be revised due to resources no longer being available.

The embodiment of claim 1 is distinguishable from the cited art for at least the reason that the combination of the cited art fails to teach or suggest the elements of automatically

revising the plurality of proposals in response to said one of the plurality of proposals being selected for doing the job and revising proposals for which resources are no longer available due to making the appointment for doing the job and eliminating any proposals from among the plurality of proposals for which proposals cannot be revised due to resources no longer being available.

In the office action, *Wetzer* is cited as purportedly teaching the limitation of automatically revising the plurality of proposals in response to said one of the plurality of proposals being selected for doing the job. However, the cited passage in *Wetzer* describes a step wherein the resource plan is optimized, which may include human input, after which the optimization will be reiteratively performed. At this stage of the process in *Wetzer*, no proposal has been selected to set up the appointment; therefore the optimization cannot be done **in response to** said one of the plurality of proposals being selected for doing the job. It is not until after the optimization, in step 28, that transactions are allocated or assigned. Therefore, in *Wetzer*, selecting the proposal occurs after the resource plan has been optimized as opposed to the claimed embodiment where the proposals are revised in response to selecting the proposal.

With regard to the limitation of revising proposals for which resources are no longer available due to making the appointment for doing the job and eliminating any proposals from among the plurality of proposals for which proposals cannot be revised due to resources no longer being available, the office action relies on *Kocur*. *Kocur* teaches the step of updating plans based on updated inputs. This teaching does not, however, include all of the limitations present in the claims. For instance, *Kocur* does not teach having a multitude of proposals (with overlapping resources) available to do a job, because, in *Kocur*, the workers have already been assigned and one worker can only do one job at a time. In the present embodiment of the invention, however, because the proposals have not been assigned and only exist as proposals, the resources can overlap. Therefore, in *Kocur*, there would be no change in resources due to making the appointment and therefore no need to revise the proposal. The present embodiment of the invention, in contrast, does not allocate resources until an appointment is actually chosen, therefore when the appointment is chosen, there will necessarily be a change in the available resources.

In view of the foregoing, Applicant respectfully submits that the pending independent claims are distinguished from the cited art of record. The corresponding dependent claims are also distinguished from the cited art of record for at least the same reasons, such all of the rejections to the dependent claims are now moot and do not, therefore, need to be addressed individually at this time.<sup>3</sup>

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney 801-533-9800.

Dated this 19<sup>th</sup> day of July, 2007.

Respectfully submitted,



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<sup>3</sup> It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise.